

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
vs.) No.: 4:18-cr-00975-CDP (JMB)
)
)
DUSTIN BOONE,)
CHRISTOPHER MEYERS, and)
STEVEN KORTE,)
)
Defendants.)

DEFENDANT STEVEN KORTE'S MOTION TO CONTINUE

COMES NOW Defendant, by and through his attorney, John P. Rogers, and respectfully requests a continuance of the above-styled cause from the Court's Trial docket of September 28 at 9:00 a.m. In support thereof, Defendant states:

1. Undersigned counsel entered his appearance on December 13, 2019 and presented Defendant for arraignment on December 20, 2019.
2. On February 19, 2020, Defendant filed three pre-trial motions: a motion to dismiss, a motion to sever, and a motion to suppress statements.
3. The Government responded in opposition on March 19, 2020.
4. On March 20, on the Court's own motion, the setting of any evidentiary hearing was delayed indefinitely due to the ongoing public health crisis and the March 17, 2020 order from the Chief District Judge outlining new procedures due to COVID-19.
5. After asking for leave of court, Defendant filed a second motion to dismiss on June 2, 2020.

6. That same day the Court held an attorney's-only teleconference, after which the Court set a Discovery Hearing on August 4, 2020 and an Evidentiary Hearing for Defendant's motions on September 8, 2020.

7. On July 3, 2020, the City of St. Louis issues a city-wide order mandating that all persons over the age of nine wear masks indoors until further notice in response to new growth of the novel COVID-19 virus in the St. Louis area.

8. The spread of this novel virus has impeded the course of this case since March. The Defense has been deprived the opportunity to timely conduct an evidentiary hearing until 20 days before the trial date. This poses the possibility that either party may not have sufficient time to respond to the evidentiary rulings before trial.

9. Additionally, the virus has prevented Defendant from conducting a full investigation of the issues in this case. As individuals have self-isolated and been less available for interviews, and as Defendant's investigator could not work for several months due to personal health decisions, the investigative aspect of the defense has been seriously affected by the novel virus.

10. Defendant also raises the logistical problems posed by a multiple co-defendant case during the era of COVID-19, particularly as it applies *voir dire*.

11. Assistant US Attorney Carrie Costantin has no objection to this request. WHEREFORE, Defendant moves this honorable Court for a continuance from the September 28, 2020 trial date, and requests a telephonic status conference to hear such motion at the Court's convenience.

Respectfully submitted,

ROGERS SEVASTIANOS & BANTE, LLP

By: /s/ John P. Rogers
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CERTIFICATE OF SERVICE

By signature below, I hereby certify that on July 6, 2020, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Assistant United States Attorneys Emily Savner, Janea Lamar, Jennifer A. Winfield, Reginald L. Harris, Carrie Costantin, and Robert F. Livergood.

/s/ John P. Rogers